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9 UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT

11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 PATRICK JOHN BACON,

16 Defendant.

No. CR 17-159-PA-1

GOVERNMENT'S MOTION TO DISMISS THE
INDICTMENT WITH PREJUDICE AS TO
DEFENDANT PATRICK JOHN BACON
PURSUANT TO FEDERAL RULE OF
CRIMINAL PROCEDURE 48(a)

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18 Plaintiff United States of America, by and through its counsel
19 of record, the United States Attorney for the Central District of
20 California and Assistant United States Attorney Shawn T. Andrews,
21 hereby moves pursuant to Rule 48(a) of the Federal Rules of Criminal

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1 Procedure to dismiss the indictment charging defendant Patrick John
2 Bacon with assault with a dangerous weapon with the intent to do
3 bodily harm (18 U.S.C. § 113(a)(3)) and assault resulting in serious
4 bodily injury (18 U.S.C. § 113(a)(6)), with prejudice in the above-
5 captioned matter.

6 On Monday, December 21, 2020, Federal Bureau of Prisons Counsel
7 at United States Penitentiary Thomson in Thomson, Illinois informed
8 the government that Mr. Bacon passed away. In light of Mr. Bacon's
9 death, the government is required to move to abate the prosecution,
10 vacate Mr. Bacon's conviction, and dismiss the indictment as to Mr.
11 Bacon alone. See United States v. Rich, 603 F.3d 722, 724 (9th Cir.
12 2010).

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14 Dated: December 29, 2020

Respectfully submitted,

15 NICOLA T. HANNA
16 United States Attorney

17 BRANDON D. FOX
18 Assistant United States Attorney
Chief, Criminal Division

19 /s/
20 SHAWN T. ANDREWS
Assistant United States Attorney

21 Attorneys for Plaintiff
22 UNITED STATES OF AMERICA
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